OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 31, 2007

RE: ATHENS COUNTY
OHIO UNIVERSITY
CHUBB HALL
ATHENS, OHIO 45701
NOTICE OF VIOLATION

CERTIFIED: 70063450000190561003

Mr. Jay North
Ohio University, Environmental Services Shop
1 Riverside Drive
Athens, Ohio 45701

Dear Mr. North:

This notice is in reference to the asbestos abatement and renovation project being conducted on the 2nd floor of Chubb Hall, Athens Campus. On March 5, 2008, Central Insulation Systems Inc., 300 Murray Road, Cincinnati, Ohio, submitted a Notification of Demolition and Renovation for duct work on the 2nd floor of Chubb Hall. The notification is for abatement of 600 square feet of RACM.

On March 20, 2008, I conducted an inspection of the abatement project. During the inspection, I spoke to the project supervisor, Hugo Rivas Montono (AS29821) of Central Insulation Systems and the oversight contractor, Jeff Sarver of Pinnacle Environmental Consultants Inc. At the time of the inspection, abatement activities were occurring.

Be advised that the asbestos abatement conducted at this site is subject to compliance with the Clean Air Act and regulations promulgated thereunder, setting forth a National Emission Standard for Asbestos (NESHAPS) codified in 40 CFR 61.140. These types of operations are also subject to Ohio Administrative Code (OAC) Rule 3745-20, "Ohio Asbestos Emission Control Rules". Pursuant to Section 112 (KK) of the Clean Air Act, the authority to implement and enforce the NESHAP has been delegated to the Ohio EPA, Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of the USEPA for any violations for which Ohio is unable to initiate a required enforcement action.

In accordance with 40 CFR 61.145 (a) and OAC 3745-20-02-(A), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. Additional provisions of 40 CFR 61 and OAC 3745-20 referring to, "Notification

Requirements", and, "Procedures for Asbestos Emission Control" apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet, or 260 linear feet or 35 cubic feet. Additional sections of these rules apply to asbestos waste disposal and handling.

Additionally, pursuant to 40 CFR 61.141 and OAC Rule 3745-20-01 (B) (20), these rules apply to both the owner and operator of a demolition or renovation project. Owner or operator means any person who owns, leases, operates, controls or supervises a facility or demolition or renovation operation.

The following noteworthy issues were discussed during the inspection: lack of adequate negative air pressure (0.013 to 0.016 inches of water) in the containment, irregular decontamination shower facility and the configuration of the AFD's.

VIOLATIONS:

1. The asbestos waste bags were being stored outside of the building. The bagged material consisted of a mixture of duct work and insulation. The metal duct work was contained in a woven bag and a single 6-mil black plastic bag. The insulation material was contained in two 6-mil plastic bags. Many of the outer 6-mil plastic bags were ripped. Metal duct work had punctured the bags and was clearly visible.

   40 CFR Part 61.150(a)(1)(iii) and OAC Rule 3745-20-05(B)(1)(c) states that each owner or operator shall, after wetting, seal all asbestos-containing waste material in leak-tight containers while wet.

2. The punctured bags were not leak-tight.

   OAC Rule 3745-20-05(C)(2) states that asbestos-containing waste materials shall be sealed in plastic bags having a thickness of at least 0.006 inch (6-mil). A second clean, leak-tight plastic bag having a thickness of at least 0.006 inch shall fully contain the first bag.

   Many of the second (outer) 6-mil plastic bags were ripped and thus not leak-tight.

At the completion of the inspection, Hugo Rivas Montano and Jeff Sarver stated that the ripped bags of asbestos waste would be rebagged.

Within ten (10) days after receipt of this notice, we are requesting that you submit to our office the following information:

- A summary of how your contractor plans to maintain compliance with the above described Violations.

- A summary of the renovation activities associated with this project, including the type and quantity of RACM removed from the building/site.

- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

Finally, be advised that this Notice of Violation in no way waives the right of the Ohio EPA or U.S. EPA to pursue enforcement action. Further communications may be directed to you regarding this violation or any additional violations that may be found. If you have any questions regarding this matter, please contact me at (740) 380-5231.

Sincerely,

Steve Lowry
District Representative
Division of Air Pollution Control

SL/mlm

cc: Daniel Roszell, Central Insulation Systems
Bruce Weinberg, SEDO, DAPC
Tom Buchan, CO, DAPC
Tom Kalman, CO, DAPC
Lisa Holscher, USEPA, Region V